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§ 1231.10 Who has the authority to approve the transfer of records from the custody of one executive agency to another?

NARA must approve in writing the transfer of records from the custody of one executive agency to another, except as provided in § 1231.18(a).

§ 1231.12 How do executive agencies request to transfer records to another executive agency?

An executive agency that proposes to transfer records to another agency must request approval of the transfer of records in writing from the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number (301) 837-1738. The request must include:

- (a) A concise description of the records to be transferred, including the volume in cubic feet;
- (b) A statement of the restrictions imposed on the use of records;
- (c) A statement of the agencies and persons using the records and the purpose of this use;
- (d) A statement of the current and proposed physical and organizational locations of the records;
- (e) A justification for the transfer including an explanation of why it is in the best interests of the Government; and
- (f) Copies of the concurrence in the transfer by the heads of all agencies involved in the proposed transfer.

§ 1231.14 May the records of terminated agencies be transferred to another agency?

The records of executive agencies whose functions are terminated or are in process of liquidation may be transferred to another executive agency that inherits the function. All such transfers must be made in accordance with the provisions of this part.

§ 1231.16 What restrictions are there on use of transferred records?

Restrictions imposed under a statute or Executive order must continue to be imposed after the transfer. Restrictions imposed by agency determination must also continue, unless the restric-

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tions are removed by agreement between the agencies concerned.

§ 1231.18 When are records transferred between executive agencies without NARA approval?

Records are transferred between executive agencies without NARA approval when:

- (a) Records are transferred to a NARA or agency-operated records center or to the National Archives of the United States in accordance with Parts 1232, 1233, and 1235 of this subchapter;
- (b) Temporary records are loaned for official use;
- (c) The transfer of records or functions or both is required by statute, Executive Order, Presidential reorganization plan, or Treaty, or by specific determinations made thereunder;
- (d) The records are transferred between two components of the same executive department; or
- (e) Records accessioned into the National Archives of the United States are later found to lack sufficient value for continued retention in the National Archives. The disposition of such records is governed by § 1235.34 of this subchapter.

PART 1232—TRANSFER OF RECORDS TO RECORDS STORAGE FACILITIES

Sec.

1232.1 What are the authorities for part 1232?

1232.2 What definitions apply to this part?

1232.3 What standards are used as guidance for this part?

1232.10 Where can a Federal agency transfer records for storage?

1232.12 Under what conditions may Federal records be stored in records storage facilities?

1232.14 What requirements must an agency meet before it transfers records to a records storage facility?

1232.16 What documentation must an agency create before it transfers records to a records storage facility?

1232.18 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility?

AUTHORITY: 44 U.S.C. 2907 and 3103.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

National Archives and Records Administration

§ 1232.14

§ 1232.1 What are the authorities for part 1232?

The statutory authorities for this part are 44 U.S.C. 2907 and 3103.

§ 1232.2 What definitions apply to this part?

See § 1220.18 of this subchapter for definitions of terms used throughout Subchapter B, including part 1232.

§ 1232.3 What standards are used as guidance for this part?

These regulations conform with guidance provided in ISO 15489-1:2001 Paragraphs 7.1 (Principles of records management programmes), 8.3.3 (Physical storage medium and protection), 8.3.6 (Access, retrieval and use), 8.3.7 (Retention and disposition), 9.6 (Storage and handling), and 9.8.3 (Location and tracking) apply to records creation and maintenance.

§ 1232.10 Where can a Federal agency transfer records for storage?

Federal agencies may store records in the following types of records storage facilities, so long as the facilities meet the facility standards in 36 CFR part 1234. Records transferred to a records storage facility remain in the legal custody of the agency.

(a) NARA Federal Records Centers. NARA owns or operates records centers

for the storage, processing, and servicing of records for Federal agencies under the authority of 44 U.S.C. 2907. These NARA records centers include a National Personnel Records Center that contains designated records of the Department of Defense and the Office of Personnel Management and other designated records pertaining to former Federal civilian employees. A list of NARA Federal Records Centers is available from the NARA Web site at <http://www.archives.gov/locations/index.html> and also in the U.S. Government Manual, which is for sale from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, DC 20402-9328, and is available on the Internet from <http://www.access.gpo.gov/nara/index.html>.

(b) Records centers operated by or on behalf of one or more Federal agencies other than NARA.

(c) Commercial records storage facilities operated by private entities.

§ 1232.12 Under what conditions may Federal records be stored in records storage facilities?

The following chart shows what records can be stored in a records storage facility and the conditions that apply:

Type of record	Conditions
(a) Permanent records	Any storage facility that meets the provisions of 36 CFR part 1234.
(b) Unscheduled records	(1) Any storage facility that meets the provisions of 36 CFR part 1234. (2) Also requires prior notification to NARA (see § 1232.14(b)).
(c) Temporary records (excluding Civilian Personnel Records)	Any storage facility that meets the provisions of 36 CFR part 1234.
(d) Vital records	Storage facility must meet the provisions of 36 CFR parts 1223 and 1234.
(e) Civilian Personnel Records	May only be transferred to the National Personnel Records Center (NPRC), St. Louis, MO (see part 1233 of this subchapter).

§ 1232.14 What requirements must an agency meet before it transfers records to a records storage facility?

An agency must meet the following requirements before it transfers records to a records storage facility:

(a) Ensure that the requirements of 36 CFR part 1234 are met. Special attention must be paid to ensuring appropriate storage conditions for records on non-paper based media (e.g., film, audio tape, magnetic tape), espe-

cially those that are scheduled for long-term or permanent retention, as those records typically require more stringent environmental controls (see 36 CFR parts 1236 and 1237).

(b) To transfer unscheduled records, notify the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740-6001, phone number (301) 837-1738, in writing prior to the transfer. The notification

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must identify the records storage facility and include a copy of the information required by § 1232.16(a).

(c) For all records being transferred, create documentation sufficient to identify and locate files. (See § 1232.16.)

(d) Ensure that NARA-approved retention periods are implemented properly and that records documenting final disposition actions (destruction or transfer to the National Archives of the United States) are created and maintained.

§ 1232.16 What documentation must an agency create before it transfers records to a records storage facility?

(a) Documentation must include for each individual records series spanning one or more consecutive years transferred to storage:

- (1) Creating office;
- (2) Series title;
- (3) Description (in the case of permanent or unscheduled records, the description must include a folder title list of the box contents or equivalent detailed records description);
- (4) Date span;
- (5) Physical form and medium of records (e.g., paper, motion picture film, sound recordings, photographs, or digital images);
- (6) Volume;
- (7) Citation to NARA-approved records schedule or agency records disposition manual (unscheduled records must cite the date the agency notified NARA or, if available, the date the SF 115 was submitted to NARA);
- (8) Restrictions on access if applicable;
- (9) Disposition (“permanent,” “temporary,” or “unscheduled; SF 115 pending”);
- (10) Date of disposition action (transfer to the National Archives of the United States or destruction);
- (11) Physical location, including name and address of facility; and
- (12) Control number or identifier used to track records.

(b) In the case of permanent and unscheduled records, provide copies of such documentation to NARA and advise NARA in writing of the new location whenever the records are moved to a new storage facility. For permanent records, the agency must transmit this

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documentation to the National Archives and Records Administration, Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001, phone number (301) 837–1738, no later than 30 days after records are transferred to the agency records center or commercial records storage facility.

(1) Retain temporary records until the expiration of their NARA-approved retention period and no longer, except as provided for in § 1226.18 of this subchapter.

(2) Transfer permanent records to the National Archives of the United States in accordance with 36 CFR part 1235.

§ 1232.18 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility?

Federal agencies must use the following procedures to transfer records to an agency records center or commercial records storage facility:

(a) Agreements with agency records centers or contracts with commercial records storage facilities must incorporate the standards in 36 CFR part 1234 and allow for inspections by the agency and NARA to ensure compliance. An agency must remove records promptly from a facility if deficiencies identified during an inspection are not corrected within six months of issuance of the report.

(b) For temporary records, the agency must make available to NARA on request the documentation specified in § 1232.16.

(c) Retain temporary records until the expiration of their NARA-approved retention period and no longer, except as provided for in § 1226.18 of this subchapter.

(d) Ensure that NARA-approved retention periods are implemented properly and that records documenting final disposition actions (destruction or transfer to the National Archives of the United States) are created and maintained as required by 36 CFR 1232.14.

(1) Agencies must establish procedures that ensure that temporary records are destroyed in accordance with NARA-approved records schedules and that NARA-approved changes to

schedules, including the General Records Schedules, are applied to records in agency records centers or commercial records storage facilities in a timely fashion. Procedures must include a requirement that the agency records center or commercial records storage facility notify agency records managers or the creating office before the disposal of temporary records unless disposal of temporary records is initiated by the agency.

(2) Move temporary records that are subsequently reappraised as permanent to a facility that meets the environmental control requirements for permanent records in §1234.14 of this subchapter within one year of their reappraisal, if not already in such a facility. (Paper-based permanent records in an existing records storage facility that does not meet the environmental control requirements in §1234.14 of this subchapter on October 1, 2009, must be moved from that facility no later than February 28, 2010.)

(3) Agencies must establish procedures to ensure that the agency records centers or commercial records storage facilities transfer permanent records to the National Archives of the United States as individual series spanning one or more years and in accordance with the provisions of part 1235 of this subchapter.

(e) Agencies must ensure that records that are restricted because they are security classified or exempt from disclosure by statute, including the Privacy Act of 1974 (5 U.S.C. 552a, as amended), or regulation are stored and maintained in accordance with applicable laws, Executive orders, or regulations.

(f) Agencies must ensure that temporary records, including restricted records (security classified or exempted from disclosure by statute, including the Privacy Act of 1974, or regulation), are destroyed in accordance with the requirements specified in §1226.24 of this subchapter.

(g) Agencies must ensure that emergency operating vital records, as defined in 36 CFR part 1223, that are transferred to an agency records center or commercial records storage facility are available in accordance with 36 CFR 1223.24.

(h) Provide access to appropriate NARA staff to records wherever they are located in order to conduct an inspection in accordance with 36 CFR part 1239 or to process a request for records disposition authority.

PART 1233—TRANSFER, USE, AND DISPOSITION OF RECORDS IN A NARA FEDERAL RECORDS CENTER

Sec.

1233.1 What are the authorities for part 1233?

1233.2 What definitions apply to this part?

1233.3 What standards are used as guidance for this part?

1233.10 How does an agency transfer records to a NARA Federal Records Center?

1233.12 How does an agency transfer vital records to a NARA Federal Records Center?

1233.14 What personnel records must be transferred to the National Personnel Records (NPRC)?

1233.16 How does an agency transfer records to the National Personnel Records Center (NPRC)?

1233.18 What reference procedures are used in NARA Federal Records Centers?

1233.20 How are disposal clearances managed for records in NARA Federal Records Centers?

AUTHORITY: 44 U.S.C. 2907 and 3103.

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§ 1233.1 What are the authorities for part 1233?

The statutory authorities for this part are 44 U.S.C. 2907 and 3103.

§ 1233.2 What definitions apply to this part?

See §1220.18 of this subchapter for definitions of terms used throughout Subchapter B, including part 1233.

§ 1233.3 What standards are used as guidance for this part?

These regulations conform with guidance provided in ISO 15489-1:2001. Paragraphs 7.1 (Principles of records management programmes), 8.3.3 (Physical storage medium and protection), 8.3.6 (Access, retrieval and use), 8.3.7 (Retention and disposition), 9.6 (Storage and handling), and 9.8.3 (Location and tracking) apply to records creation and maintenance.